

May 4, 2006

May Fourth

20-----06

The regular May Meeting of City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, T. Wayne Oakes, Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Also present was Council Member-elect Adam J. Tomer.

Staff Members present were: City Manager Jerry L. Gwaltney (arrived a 7:30 p.m.), Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, City Attorney W. Clarke Whitfield, Jr., and City Clerk Annette Y. Crane, CMC.

Department/Division Directors present were Transportation Services Director Marc Adelman, Multi-Media Design Manager Mark Aron, Chief of Police Philip Broadfoot, Economic Development Director Ron Bunch (arrived at 7:30 p.m.), Finance Director Barbara Dameron, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Housing and Development Director Dianne Morris, Management Analyst David Parrish, Parks, Recreation and Tourism Director Bill Sgrinia, Deputy Public Works Director/City Engineer Kent Shelton, and Emergency Services Director Doug Young.

Mayor Hamlin presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Sherman Saunders offered the Invocation. The Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Mayor Hamlin announced that City Manager Gwaltney and Economic Development Director Ron Bunch were in Washington, D. C. today. Mr. Gwaltney gave testimony before the United States Senate Subcommittee on Trade, Tourism and Economic Development at the request of Virginia Senator George Allen.

Mayor Hamlin presented a Certificate of Proclamation to Deputy City Manager Lacy, proclaiming the week of May 14-20 as Business Appreciation Week. Mr. Lacy received the Certificate on behalf of Economic Development Director Ron Bunch.

Mayor Hamlin called on Police Chief Philip Broadfoot and a group of Danville Police Officers, along with the widow of fallen

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Police Officer Courtney Dickerson to come forward. He presented a proclamation to Mrs. Dickerson and one to Chief Broadfoot naming May 15, 2006 Peace Officers Memorial Day to honor federal, state and local law enforcers who have lost their lives or have become disabled in the line of duty. Officer Courtney LaMont Dickerson, who lost his life on November 11, 2005 while performing his duty to protect the citizens of our community, was recognized in the proclamation read by Mayor Hamlin. He advised the names of Danville Police Officers Courtney L. Dickerson, John P. Jones, and William P. McCrary would be placed on the Peace Officers Memorial Wall in Washington, D. C.

Mayor Hamlin recognized DCC President Carlyle Ramsey, DCC Director of Development Buddy Rawley, Educational Foundation Board Member Shahnaz Ahmed, and Author Marie R. Harris. Ms. Harris' book "*A History of Danville Community College*" has recently been published and the group were in attendance to present a first edition of the book to Council Members.

Dr. Ramsey recalled the Community College System was established on July 1, 1966 by then Governor Mills Godwin and this year marks the system's 40th anniversary. He said many events commemorating the event would be and have taken place, including the authorship of the book by Marie R. Harris. Ms. Harris is a native of Danville, a former teacher at George Washington High School, and a faculty member at Dan River High School.

Mayor Hamlin and Council Members thanked Mrs. Harris and Dr. Ramsey for the efforts put forth in the creation of the book.

COMMUNICATIONS FROM VISITORS

Max Littlejohn appeared before Council on behalf of the Schoolfield Preservation Committee. Mr. Littlejohn spoke in opposition to the demolition of the Schoolfield Recreation Center and construction of a CVS Pharmacy on the site. He said the center was a vital part of the history of Dan River and the Schoolfield community and requested that Council do all in its power to save the facility.

Mr. Littlejohn advised the structure was built in 1915 and had served five generations of families during those years. He stated time was of the essence and ask Council to act with due diligence to keep the recreation center in place.

Sarah Latham also spoke on behalf of the Preservation Committee. She stated she had petitions containing over 1,800 names and advised more petitions were currently being circulated to urge Council to preserve the recreation center.

Ms. Latham said Schoolfield was among the greatest historic assets in Danville that lend themselves to preservation and tourism development, but unfortunately the future of Schoolfield seemed to be in question. Ms. Latham said there had been great silence surrounding the sale of Dan River and the fate of the

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Schoolfield buildings, which includes the Recreation facility. She said citizens had learned from a *Register and Bee* editorial only one month ago about the demolition of some of the Schoolfield buildings.

Ms. Latham read the following requests from the Schoolfield Preservation Committee:

- Arrange regularly scheduled meetings between the Schoolfield Preservation Committee and city officials to work together on alternatives and solutions for Schoolfield.
- Direct Department of Economic Development to aggressively pursue preservation developers and offer similar kinds of incentives as it does to other developers.
- Take all necessary steps to become a Certified Local Government.
- Review and change zoning in Schoolfield along West Main Street from HRC to NC. (Note pages 49-50 of Danville Comprehensive Plan 2020).
- Initiate cost-share arrangement with the state to nominate Schoolfield to the Virginia Landmarks Register and the National Register of Historic Places.
- Negotiate with all current owners of properties in question (mill complex, Rec Center, Personnel Building, the "Front" and Hylton Hall) to donate protective easements.
- Impose temporary moratorium on any demolition within registered and eligible districts, excepting those properties that represent an imminent threat to human life.

Mayor Hamlin recognized and acknowledged the presence of approximately sixty (60) citizens who stood in support of Mr. Littlejohn and Ms. Latham's proposal. He asked the administration to investigate what options the City had, but said the sale was a private matter between Dan River and CVS Pharmacy.

Council Member Castiglione added the Senior Citizens' Center is in need due to the fact the activities had outgrown the space there. He wondered if additions could be made to the current facility or if the center should be moved to a larger facility. He said historic preservation was very important to the Council, citing the Council's support to augment a \$1.2 million federal loan to renovate the White Mill Building.

Vice-Mayor Williams agreed with Mayor Hamlin that the sale was a private matter, but stated he would like to know what legal rights, if any, the City had.

Council Member Smith emphatically called for the administration to do all in its power to stop the sale of the Recreation Center to CVS Pharmacy. He said the center was a tribute to the men and women who worked at Dan River. He said the heart and soul of Schoolfield was in that building.

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Susan Stilwell, a former Planning Commission Member, said the decision to allow CVS to construction a drive-thru pharmacy on the property would indeed be in the hands of Council. Ms. Stilwell said Council Members would have to vote to rezone the property to allow CVS to locate there.

Others who spoke in opposition to the demolition of the center were Jeanette Knick, a Dan River Retiree, and Michelle Garrison, whose 7-year-old daughter uses the facility presently.

Mayor Hamlin expressed thanks to all who were present to express their concerns and opinions about the recreation center property.

MINUTES

Upon Motion by Council Member Luther and second by Council Member Oakes, Minutes of the April 18, 2006 Regular Meeting were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting. The Minutes were approved by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,
Saunders, Smith, and Williams (9)
NAY: None (0).

BUDGET ADOPTION-FY 2005-2006-AVIATION PROMOTION FUNDS-AIRPORT

Upon Motion by Vice-Mayor Williams and second by Council Member Luther, Ordinance No. 2006-04.14 presented by its First Reading on April 18, 2006 amending the Fiscal Year 2005-2006 Budget Appropriation Ordinance to provide for a State Department of Aviation Grant for the purpose of providing funding to promote General Aviation activities and the Danville Regional Airport in the amount of \$7,500 and for the local share in the amount of \$7,500 to be provided by a transfer from the General Fund and Danville Air Show, Inc. for a total appropriation of \$15,000 and appropriating same was adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,
Saunders, Smith, and Williams (9)
NAY: None (0).

HEARING - NATIONAL WELDERS SUPPLY COMPANY - BUILDING SETBACKS

Mayor Hamlin opened the floor for a Public Hearing to consider a request to reclassify aboveground storage tanks as accessory uses as opposed to primary uses. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 20 and 27, 2006. Applicant Lewis Barber appeared to respond to questions from Council Members and citizens.

Mr. Barber advised when he relocated his welding business in May 2005 from Colquhoun Street to Industrial Avenue; the above

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ground propane storage tank was situated in a manner that did not meet the required yard setbacks of the City's Zoning Ordinance. He said after working with Fred Shanks, who designed the site, the plan was submitted and given final approval in July 2005. After a field inspection had been conducted, it was noted the propane tank had not been placed in the location as shown on the approved site plan. Mr. Barber stated he subsequently requested a variance, which had been denied. He advised he then petitioned to amend the Zoning Code in order to change the classification of above ground storage tanks to fall under the definition of accessory use and be required to meet accessory building setback requirements. The Planning Commission denied the request during its April 10, 2006 meeting.

No one further desired to be heard and the Public Hearing was closed.

Council Members were given the opportunity to question Mr. Barber about his request.

Council Member Daniels moved adoption of a Resolution entitled:

RESOLUTION NO. 2006-05.01

A RESOLUTION AFFIRMING THE RECOMMENDATION OF THE CITY PLANNING COMMISSION AND DENYING A REQUEST TO AMEND ARTICLE 2, SECTION V, PARAGRAPH 10, OF THE CITY OF DANVILLE ZONING ORDINANCE.

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9)
NAY: None (0).

HEARING - AMEND YEAR 2020 LAND USE PLAN - WEST STOKES STREET

Mayor Hamlin opened the floor for a Public Hearing to consider a request to amend the Year 2020 Land Use Plan and rezoning 0.18 acre on West Stokes Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 20 and 27, 2006. No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-05.01

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM URBAN SINGLE-FAMILY TO COMMUNITY SERVICE AND REZONING FROM OT-R OLD TOWN RESIDENTIAL TO HR-C HIGHWAY RETAIL DISTRICT, APPROXIMATELY 0.18 ACRE ON WEST STOKES STREET.

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The Motion was seconded by Council Member Daniels and carried by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,
Saunders, Smith, and Williams (9)
NAY: None (0).

HEARING - AMEND 2020 LAND USE PLAN - 134 PINEY FOREST ROAD

Mayor Hamlin opened the floor for a Public Hearing to consider a request to amend the Year 2020 Land Use Plan and rezoning 1.49 acres on property located at 134 Piney Forest Road. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 20 and 27, 2006. Applicant Alex Perkins appeared to answer questions from Council Members and citizens.

Mr. Perkins advised that in early 2006, the Stratford Inn property was subdivided to separate the rear units from the main restaurant and conference center. Mr. Perkins is proposing to convert existing hotel suites at the Stratford Inn into one (1) and two (2) bedroom apartments units.

Following questions and comments from Council Members, the Public Hearing was closed.

Council Member Daniels moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-05.02

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM REGIONAL SERVICE TO MULTI-FAMILY AND REZONING FROM HR-C HIGHWAY RESIDENTIAL TO "CONDITIONAL" M-R MULTI-FAMILY RESIDENTIAL DISTRICT, APPROXIMATELY 1.49 ACRES AT 134 PINEY FOREST ROAD.

The Motion was seconded by Council Member Oakes and carried by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,
Saunders, Smith, and Williams (9)
NAY: None (0).

HEARING - SPECIAL USE PERMIT - 179 PINEY FOREST ROAD

Mayor Hamlin opened the floor for a Public Hearing to consider a request to grant a Special Use Permit for property located at 179 Piney Forest Road. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 20 and 27, 2006. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-05.03

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AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A CONFERENCE CENTER IN ACCORDANCE WITH ARTICLE 3.M (C) (5) OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 179 PINEY FOREST ROAD.

The Motion was seconded by Council Member Daniels and carried by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9)
NAY: None (0).

HEARING - AMEND 2020 LAND USE PLAN - 1.03 ACRES - SO. BOSTON ROAD

Mayor Hamlin opened the floor for a Public Hearing to consider a request to amend the Year 2020 Land Use Plan for 1.03 acres located on South Boston Road. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 20 and 27, 2006.

Pastor of Christian Fellowship Church Dana Cook, Daniel Lackey, Pastor of Faith Memorial Baptist Church and Realtor Michael Searce appeared to urge Council Members to support the rezoning. Rev. Cook advised the church was requesting to rezone the property in question to allow for consolidation with adjacent church-owned land that is presently zoned HR-C, because an Advance Auto store wishes to locate on the property.

Bermuda Road Resident Debbie Thomas spoke in opposition to the proposal stating there was already too much traffic along the area in question. Ms. Thomas felt the noise from the proposed store would seriously harm and disrupt the residential neighborhood.

Council Member Saunders thanked Ms. Thomas for appearing to express her views. Mr. Saunders said Ms. Thomas had been faithful to express her concerns since 2003 when the new zoning ordinance was in the process being developed. As a show of support for Ms. Thomas, Mr. Saunders said he would vote "no."

No one further desired to be heard and the Public Hearing was closed.

Council Member Luther moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-05.04

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM PUBLIC AND SEMI-PUBLIC AREA TO COMMUNITY SERVICE AND REZONING FROM N-C NEIGHBORHOOD COMMERCIAL TO HR-C HIGHWAY RETAIL COMMERCIAL, APPROXIMATELY 1.03 ACRES ON SOUTH BOSTON ROAD.

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The Motion was seconded by Council Member Smith and carried by the following vote:

VOTE: 8-1
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,
Smith, and Williams (8)
NAY: Saunders (1).

**HEARING - BUDGET ADOPTION - FY 2005-2006 - TRANSFER TO SPECIAL
ACTIVITIES - NEIGHBORS HELPING NEIGHBORS - CDBG FUNDS**

Mayor Hamlin opened the floor for a Public Hearing to authorize a transfer of funds for special activities by subrecipients/Neighbors Helping Neighbors. Notice of the Public Hearing had been duly published on April 1, 2006 in the Danville Register and Bee.

Council Member Saunders called on United Way Executive Director Patrick Jenks to give a brief summary of how the Neighbors Helping Neighbors program would work. The program had been set up to assist low-income citizens with their utility bills. Mr. Jenks advised there would be opportunities for these citizens to learn to use energy more efficiently and help with budgeting. The local Social Service office will take applications and screen citizens seeking assistance through the program.

City Manager Gwaltney advised the program was started by the city administration. As the program got underway, Mr. Gwaltney said it was felt there would be a more receptive attitude from the public to contribute if the program was administered by an organization other than the city. The development of rules and regulations for the program was placed in the hands of a committee made up of individuals from churches and private citizens who felt this was a good program for the community as a whole. Mr. Gwaltney said it had been disappointing the groups whom it was felt would come forward to help support this program had not done so. As more is learned and understood about how the program would be carried out, Mr. Gwaltney said there would probably be more support from these groups.

Following a question and comment period, the Public Hearing was closed.

Vice-Mayor Williams moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-05.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 BUDGET APPROPRIATION ORDINANCE BY AUTHORIZING A TRANSFER OF FUNDS FROM THE SPECIAL ACTIVITIES/NEIGHBORHOOD OPPORTUNITY CENTER ACCOUNT BY SUBRECIPIENTS/NEIGHBORS HELPING NEIGHBORS.

The Motion was seconded by Council Member Castiglione and carried by the following vote:

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VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,
Saunders, Smith, and Williams (9)
NAY: None (0).

HEARING - APPROVE 2006-2007 ONE-YEAR ACTION PLAN - CDBG - HOME

Mayor Hamlin opened the floor for a Public Hearing to consider approving the 2006-2007 One-Year Action Plan, Community Development Block Grant and HOME Entitlement Funds. Notice of the Public Hearing had been duly published on April 1, 2006 in the Danville Register and Bee. No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved adoption of a Resolution entitled:

RESOLUTION NO. 2006-05.02

A RESOLUTION APPROVING THE 2006-2007 ONE-YEAR ACTION PLAN, COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME ENTITLEMENT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

The Motion was seconded by Vice-Mayor Williams and carried by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,
Saunders, Smith, and Williams (9)
NAY: None (0).

REZONE APPROXIMATELY 7.07 ACRES-BERMAN DRIVE & FRANKLIN TURNPIKE

Vice-Mayor Williams moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-05.06

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM NEIGHBORHOOD SERVICE TO MULTI-FAMILY RESIDENTIAL AND REZONE FROM N-C NEIGHBORHOOD COMMERCIAL TO "CONDITIONAL" M-R MULTI-FAMILY RESIDENTIAL, APPROXIMATELY 7.07 ACRES OFF BERMAN DRIVE AND FRANKLIN TURNPIKE AT THE NORTHERN CITY CORPORATE LIMITS.

Council Member Castiglione seconded the Motion.

City Manager Gwaltney recalled that during the April 4, 2006 Council Meeting, a request for rezoning by applicant Alex Perkins was presented to Council for consideration. During that meeting, there had been some citizen opposition relating to increased traffic, safety concerns, and the possibility of criminal activity. There were also concerns expressed by some Council Members about the practicality of constructing apartments on property that was divided between City and County corporate lines. Council Members decided that it would table further consideration of the matter until some issues could be worked out

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with VDOT regarding access and redesigning the site plan to have the entire developed area within the City. Mr. Perkins agreed to meet with city and VDOT officials to address these concerns. Mr. Gwaltney advised all parties were in agreement and the site plan reconfigured to place all dwellings within the City limits with access to the apartments located in the County.

The Ordinance was adopted by the following vote:

VOTE: 8-1
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,
Smith, and Williams (8)
NAY: Saunders (1).

BUDGET AMENDMENT-FY 2005-2006 - UNARCO INCENTIVE PACKAGE

Upon Motion by Council Member Archie and second by Council Member Daniels, an Ordinance entitled:

ORDINANCE NO. 2006-05.07

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM THE TOBACCO REGION OPPORTUNITY FUND, AND THE GOVERNOR'S OPPORTUNITY FUND FOR THE UNARCO INCENTIVE PACKAGE FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$600,000 AND APPROPRIATING THE SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

ARTICLES OF AGREEMENT-DAN RIVER ALCOHOL SAFETY ACTION PROGRAM

Vice-Mayor Williams moved adoption of a Resolution entitled:

RESOLUTION NO. 2006-05.03

A RESOLUTION APPROVING THE ARTICLES OF AGREEMENT FOR THE DAN RIVER ALCOHOL SAFETY ACTION PROGRAM (ASAP).

The Motion was seconded by Council Member Oakes and carried by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,
Saunders, Smith, and Williams (9)
NAY: None (0).

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager, City Attorney and City Clerk.

ROLL CALL

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Council Members Archie, Castiglione, Mayor Hamlin, Oakes, Saunders, Smith, and Vice-Mayor Williams thanked everyone who voted during the May 2, 2006 Councilmanic elections. Mrs. Archie, Mr. Oakes, and Dr. Williams were re-elected along with newcomer Adam Tomer. Each offered their congratulations to Mr. Tomer and offered personal comments to Mr. Smith, whose second term on Council will end June 30, 2006.

Council Member Castiglione read a letter relating to economic development from John McCormick, a developer from Richmond. Mr. McCormick stated he had been in Danville over the weekend and was so impressed with the City that he felt compelled to write. Mr. McCormick reported Jeff Reed, who is a staff member of the Economic Development Department, had given him an extraordinary tour of Danville. He said he was impressed with the forward thinking actions the City was taken. He commended Mr. Reed, who took his entire Saturday afternoon to show Mr. McCormick around. He called Mr. Reed a wonderful ambassador for the City of Danville. Mr. McCormick stated in the letter he looked forward to doing business in Danville.

Council Member Smith thanked those who supported him in the May 2 Council elections. Mr. Smith specifically thanked Bill Griffith who had served as his campaign treasurer for three elections.

Mr. Smith requested the administration to check into the possibility of persuading ComCast to provide cable TV and high-speed internet service for residents on Virginia Lane. Mr. Smith recalled he had received phone calls from Donald Mahan on several occasions requesting the service.

The Meeting adjourned at 9:31 P.M.

Clerk's Note: A copy of the Abstract of Votes cast in the May 2, 2006 Councilmanic Election is attached to and made a part of these Minutes.

MAYOR

CLERK